

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

GENSON V. FERNANDEZ, R.N.
License # 26NR12001300

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

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Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Genson V. Fernandez (Respondent) is a Registered Professional Nurse (RN) in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. Respondent was asked by the Board to supply documentation, in the form of certificates of completion, of continuing education requirements for the June 1, 2011-May 31, 2013 renewal period. Respondent sent in documentation of completion of 14.42 contact hours of continuing education completed in March of 2011, that is, prior to the renewal period in question; 24 contact hours completed during the June 1, 2011 —

May 31, 2013 renewal period; and 30 contact hours of continuing education completed on May 12, 2014 within the June 1, 2013 – May 31, 2015 renewal period.

3. On his 2013 renewal application, Respondent indicated that he would have completed all required continuing education for the June 1, 2011 – May 31, 2013 renewal period by May 31, 2013.

CONCLUSIONS OF LAW

Respondent's failure to timely complete continuing education requirements for the June 1, 2011 - May 31, 2013 renewal period constitutes a violation of N.J.A.C. 13:37-5.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's indication on his 2013 renewal application that he would have completed all required continuing education for the June 1, 2011 – May 31, 2013 renewal period by May 31, 2013 constitutes misrepresentation in violation of N.J.S.A. 45:1-21(b).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a reprimand and a two hundred and fifty dollar (\$250) civil penalty was entered on September 4, 2014. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent timely responded to the Provisional Order of Discipline by sending in a money order for two hundred and fifty dollars with no further explanation.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law.

Respondent's documentation indicated that he had a deficiency of 6 hours in continuing education for the June 1, 2011 – May 31, 2013 renewal period, and a deficiency of 16 hours for the renewal period prior to that. Respondent may apply 22 of the hours he completed in May 2104 to cure the deficiencies of his past renewal periods, but those same 22 hours may not be also applied to the requirements of the current renewal period. Respondent shall complete another 22 hours of continuing education before May 31, 2015 to demonstrate that he is up to date with his requirements.


ACCORDINGLY, IT IS on this 12 day of December, 2014,

ORDERED that:

1. A public reprimand is hereby imposed for the violation of N.J.S.A. 45:1-21(b).
2. A civil penalty in the amount of two hundred and fifty dollars (\$250) is hereby imposed for the violation of N.J.A.C. 13:37-5.3. The Board acknowledges receipt of the money order and shall process same as payment.
3. Continuing education completed after May 31, 2013 and applied to cure the deficiency of previous renewal periods shall not be used to satisfy the requirements

of the current renewal period. Respondent shall complete an additional 22 hours of continuing education prior to May 31, 2015.

NEW JERSEY STATE BOARD OF NURSING

A handwritten signature in cursive script, appearing to read "Patricia Ann Murphy", written over a horizontal line.

By:

Patricia Ann Murphy, PhD, APN
Board President